

# In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 17-1319V

Filed: June 15, 2018

UNPUBLISHED

RICHARD BRANDELL,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Special Processing Unit (SPU);  
Ruling on Entitlement; Concession;  
Table Injury; Influenza (Flu) Vaccine;  
Guillain-Barre Syndrome (GBS)

*Jenifer Marie Placzek, Placzek Winget & Placzek, Springfield, MO, for petitioner.  
Kathryn Ann Robinette, U.S. Department of Justice, Washington, DC, for respondent.*

## RULING ON ENTITLEMENT<sup>1</sup>

**Dorsey**, Chief Special Master:

On September 25, 2017, Richard Brandell (“petitioner”) filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*<sup>2</sup> (the “Vaccine Act”). Petitioner alleges that he suffered Guillain-Barre syndrome (“GBS”) as a result of an influenza (“flu”) vaccine he received on October 27, 2014. Petition at 1, 4. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On June 15, 2018, respondent filed his Rule 4(c) report in which he concedes that petitioner is entitled to compensation in this case. Respondent’s Rule 4(c) Report at 1. Specifically, respondent concludes “that petitioner’s alleged injury meets the requirement of the Vaccine Injury table for GBS following the seasonal influenza

<sup>1</sup> Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

vaccination... Petitioner had the onset of GBS within three to forty-two days of receiving the flu vaccine, the diagnosis is not in dispute, and no other cause for his GBS have been identified." *Id.* at 6. Respondent further agrees that "petitioner's records show that he suffered sequela of his injury for more than six months after vaccination." *Id.*

**In view of respondent's position and the evidence of record, the undersigned finds that petitioner is entitled to compensation.**

**IT IS SO ORDERED.**

**s/Nora Beth Dorsey**

Nora Beth Dorsey  
Chief Special Master